



Londonderry Conservation Commission
Tuesday, November 12, 2019
Minutes

Present: Marge Badois, Chair; G Harrington, Vice Chair; Bob Maxwell, member; Deb Lievens, member; Mike Noone, member; Mike Byerly, member; Mike Speltz, alternate member; and Susan Malouin, alternate member

Absent: Richard Floyd, member; Jocelyn Demas, alternate member; and Town Council liaison member

Also present: Amy Kizak, GIS Manager/Comprehensive Planner and Beth Morrison, Recording Secretary

Marge Badois called the meeting to order at 7:30 pm. M Badois appointed M Speltz to vote for R Floyd.

Richard Olsen - Noise in Musquash: Richard Olsen introduced himself to the Commission. R Olsen informed the Commission that he is here to explain his concerns regarding the noise from the two outdoor shooting ranges, The Londonderry Fish & Game Club and the Londonderry Police Department, located near the Musquash. He explicitly stated that he is not talking about hunters, hunting season, or permitted target shooting during hunting season that occurs within the limits of the Musquash. He said over the years the duration and volume of gun fire has increased dramatically in the Musquash. He asked the Commission to have an open discussion on their feelings about this issue and passed out a questionnaire, which he left for the Commission to fill out. M Badois commented that she lives close to both ranges and is well aware of the noise. She said that she lives with it. M Byerly said he has gotten used to it, and jokingly named it "background music" and now does not notice at all. D Lievens noted that she is not out on the trails enough to observe the sound. G Harrington stated that he thinks he must be used to it, as it does not bother him. M Badois explained that Fish & Game Club has expanded and trees have been cut down in the Musquash for the bunny cut, which could possibly make the noises seem louder. D Lievens asked for hours of the shooting ranges. R Olsen said the Fish & Game range hours are seven days a week from 8 a.m. until a half an hour after sunset and the Police range is used for a qualifying event or at night for training purposes. He expressed concern about the noise having a negative impact on the Musquash, as this is not background noise to him, but a real distraction. He said they are shooting semi-automatic weapons, automatic weapons and at times there can be large booms, which could be Tannerite (an explosive they use to make sure they are hitting their target as it explodes). He reiterated his concern regarding the increased occurrence and volume of gun fire, especially since there will be a habitat for the New England cottontail rabbits in the Musquash now. He said that he did not think the rabbits would like the shooting. M Badois asked R Olsen what he would like to see happen. R Olsen answered that he would like to see the Commission, Town Manager, Town Council and Police Department work together and possibly change the location of one of the shooting ranges. He said that he does not know what the solution might be, but he is going to talk to the Police



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Chief and Town Manager about this. D Lievens said that the Commission should follow up on his concerns regarding noise level in the Musquash and how it could affect the wildlife. M Badois gave her opinion as a realtor, that the neighborhoods around the Musquash are affected by the noise when trying to sell property in the area. M Speltz asked R Olsen what other suggestions he might propose for this issue. R Olsen suggested that the Police Department have an indoor shooting range and suggested this might be a warrant article on the ballot. He said he could approach Fish & Game to ask them to be a good neighbor and see if they can do more things to block the noise. M Speltz told him that the Police Department invested a lot into the current range and thought they would not want to change it. He asked R Olsen which shooting range was louder. R Olsen responded that he felt Fish & Game accounted for 80% of the noise and the Police Department accounted for 20%. He said in his opinion, he believes that people are afraid when they hear the shooting in the woods and would discourage people from going into Musquash. M Speltz asked if limiting the hours when people can shoot at the ranges would be help with the noise. R Olsen said that he thinks this might be difficult to limit the hours of these ranges. B Maxwell talked about the noise ordinance in the town regulations and asked if this applies to the shooting ranges. R Olsen quoted New Hampshire state law stating "outdoor shooting ranges cannot be held civilly or criminally liable for noise pollution, no matter how loud." M Speltz asked if the issue was the decibel or frequency of the noise. R Olsen said it is both, especially the Tannerite use. B Maxwell said that most shooting ranges do not allow Tannerite. He commented that he recently was in the Musquash and had an experience where there was a massive explosion that shook the ground where it happened to be Continental paving blasting. M Speltz said that he would like to ask Fish & Game if animals possibly acclimate to the noise. D Lievens said that she would follow up with Fish & Game for the Commission.

Constance Drive ROW discontinuance/Property release - Map 6, Lots 59-13 and 59-12: Joe Ward from 14 Constance Drive and Mike Peterson, from 7 Constance Drive introduced themselves to the Commission stating that they are requesting the discontinuance of the right-of-way between their property. J Ward reviewed the parcel with the Commission stating that there are wetlands in the right-of-way and Cross Farm has decided not use this as an entrance. He noted that the Planning Board has recommended the right-of-way discontinuance to go the Town Council. Mike Peterson reviewed the parcel noting where Cross Farm had placed the conservation yellow signs to delineate the wetlands. M Badois asked if the Commission would need access to monitor the easement. A Kizak said that the Commission would be granted access through Cross Farm. M Speltz asked if Cross Farm had combined their parcels. A Kizak responded that is correct and reviewed the access with the Commission. G Harrington pointed out that when the lots are subdivided, the property owners will be subject to the buffer ordinance, which they are not currently. M Badois asked if someone could draw the fifty foot buffer on a map for them. A Kizak said when the properties go through the lot line adjustment a wetland scientist will delineate this out in the field and the appropriate conservation buffer signs will be placed.



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M Byerly made a motion to recommend to the Town Council that the parcel be transferred to the abutting property owners, with the condition that a lot line adjustment plan be submitted for review and approval by the Planning Board. D Lievens seconded the motion. The motion passed, 6-1-0.

DRC - Lot 001 074 0 - 53 Chase Road Condo Conversion: Eric Mitchell addressed the Commission stating that the lot has existed for many decades and a recently a house was taken down and a duplex was built, which will be converted into a condominium. E Mitchell reviewed the parcel with the Commission noting the trees that had been cut and where the buffer is now. He said if they are required to place conservation buffer signs, they would like to place them at the edge of the trees so there would be no more cutting. D Lievens asked if the duplex could have been placed in a different place. E Mitchell said that the duplex was built where the existing house was. M Badois asked if this lot falls under the current buffer ordinance. A Kizak said that condominium conversions are exempt from complying with the buffer ordinance if no updates are proposed. M Speltz read from the CO ordinance "Subdivisions and Site Plans approved by the Planning Board and existing at the time of passage of the Section 4.6.1 shall be exempt from Section 4.6.1, as governed by the provisions of NH RSA § 674:39. This ordinance becomes applicable in the following situations: A. Non-residential site plans for additions, expansions, or changes in use. B. Site plans for new commercial, industrial, or multi-family development. C. New subdivisions. (Condominium Conversions where there are no improvements proposed to a site are exempt from Section 4.6.1)." M Byerly stated in his opinion, he thinks they are skirting the issue, with first building a duplex and now doing a condo conversion. A Kizak explained that the CO district does not apply here as the house was built before the ordinance came into existence. M Speltz commented that he believes there should be a legislative fix on this issue before it gets out of hand. E Mitchell pointed out that the trees were cut before the ordinance was in effect; he does not believe the applicant is trying to skirt any issue. M Badois said that if the ordinance does apply, signs would be required. E Mitchell stated that a condominium conversion in Londonderry is treated as a subdivision and the lawn area in the back, which existed before the ordinance was put into place, is still there. M Speltz suggested that the Planning Board require the applicant to install CO buffer signs as the spirit of the ordinance requires the signs with construction on the property. M Noone stated his second recommendation would be to place the signs at the tree line. M Badois commented that the Commission recommends CO buffer signs along the buffer line, despite the fact that a strict reading of the ordinance, Section 4.6.1.7.c., might not place the COD restrictions on this parcel. The Commission noted that there were significant improvements to this site just before conversion. The Commission commented that alternatively the CO signs must be placed on the tree line.

Amended Dredge & Fill - Lot 014 045 0- 46 Pettengill Road: A Kizak presented the amended dredge and fill to the Commission. M Badois said the Commission approved this on June 11, 2019. M Byerly



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104 read from the amended dredge and fill to the Commission. D Lievens said she believed this to be more
105 academic than anything else. M Badois agreed. The Commission had no other comments.

106 **Unfinished Business**

107 **NHACC Nov 2:** M Badois told the Commission that she thought the conference was great. She passed
108 out a couple of flyers that she received at the conference to the Commissioners. She reviewed
109 information she learned at the conference with the Commission. S Malouin reviewed the information
110 she learned at the conference regarding water and green infrastructure.

111 **Hickory Hill/Eversource:** M Badois told the Commission there is nothing new to report.

112 **Gilcreast Road - Orchard Soil Testing:** M Speltz told the Commission that he did not email Steve
113 Cotton, but had not heard anything.

114 **Monitoring:** D Lievens told the Commission that a representative from Rockingham County
115 Conservation District (RCCD) will monitor Ingersoll tomorrow. She said that parcel 006 113 is not an
116 ARM funded property and therefore the Commission did not have to fill out the form. M Noone
117 reviewed some dates to monitor the Mack property with the Commission. The Commissioners said that
118 the Friday after Thanksgiving might be the best day for this. M Byerly said that he was thinking about
119 doing a guided walk on that day and might pick another day for monitoring. M Noone said that the
120 Saturday after Thanksgiving would work for monitoring the Mack property.

121 **Stream Brochure:** A Kizak said this project is on hold until March 2020.

122 **WRMPP:** A Kizak told the Commission that Comprehensive Environmental Inc. (CEI) is presenting
123 tomorrow night to the Planning Board and then on November 25, 2019, to the Town Council. M Badois
124 asked what the Commission should do with the recommendations that CEI presented. A Kizak answered
125 that she would get back to M Badois at the next meeting. M Speltz said that he believes the
126 recommendations will need representation from more committees than just the Commission to come
127 up with a strategy to review the recommendations. He urged the Commission to review the
128 recommendations before the next meeting to see how the Commission wants to approach them. He
129 asked A Kizak to speak with Town Planner Mailloux and John Trottier, P. E., Assistant Director of Public
130 Works & Engineering.

131 **Articles:** D Lievens told the Commission that her article on streams will be the next one printed in The
132 Times. She asked for a schedule from The Times for more clarity. She said that she needs a
133 Commissioner to write an article before Christmas and the article would run after the first of the year.



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134 **New Business:**

135 **Education project- definitions:** M Badois informed the Commission that there are many topics that the
136 general public does not have enough knowledge about and thought it might be a good idea to present a
137 topic to cover at the meetings. The Commissioners agreed this would be great.

138 **Expiring terms:** M Badois said that there are two members whose terms are expiring, M Noone and B
139 Maxwell and they should email Kirby Brown if they want to renew.

140 **Town Report:** M Badois said that the town report is due on December 13, 2019, and asked the
141 Commissioners to email her any highlights or stories they would like to see in the report.

142 **Rail Trail:** M Byerly told the Commission that they are all invited on November 22, 2019, at 2 p.m. for
143 the ribbon cutting on the new portion of the Rail Trail.

144 **Minutes:** The Commissioners went over the public minutes from October 22, 2019. B Maxwell made a
145 motion to accept the minutes as presented. M Noone seconded the motion. The motion passed, 7-0-0.

146 The Commissioners went over the non-public minutes from October 22, 2019. M Byerly made a motion
147 to accept the minutes as amended. M Noone seconded the motion. The motion passed, 7-0-0.

148 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:43 p.m. B Maxwell seconded the
149 motion. The motion passed, 7-0-0.

150 Respectfully Submitted,
151 Beth Morrison
152 Recording secretary
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